

REMARKS

Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.

Claims 1-19 are pending in the Application.

Applicants note with appreciation the Examiner's indication that claims 5-9, 14 and 17 contain allowable subject matter. Applicants have rewritten claims 5, 14 and 17 in independent form to put claims 5-9, 14 and 17 into condition for allowance.

The Examiner rejected claims 1-4, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Jin et al. (U.S. Patent No. 6,055,348). In particular, the Examiner interpreted Jin et al. as disclosing a compliant support block 16 and a Bragg grating disposed in the compliant support block. Applicants respectfully disagree and traverse this rejection.

The Examiner cited column 1, lines 29-65 of Jin et al. as support for the interpretation that "so called" support block 16 has a Bragg grating disposed therein. The Examiner seems to be referring to the section where Jin et al. is summarizing prior art and noting that optical gratings are important elements. Jin et al. states that "such gratings may include Bragg gratings, long-period gratings, and diffraction gratings. These gratings typically comprise a body of material with a plurality of spaced-apart optical grating elements disposed in the material." Claim 1 recites a Bragg grating fiber. In this case, the fiber is the body of material which has the optical grating elements disposed therein. This interpretation is clear from the remainder of the three cited paragraphs in which the method for forming variations in refractive indices in an optical fiber is discussed in detail.

Jin et al. actually discloses a body 14 disposed adjacent the fiber at the grating region 12 (column 4, lines 57 and 58). The body 14 is movable relative to the fixed substrate 16 (column 4, lines 43-50). The fiber in the area of the grating region is attached at two points 13a, 13b to the structures 14, 16. That is, at point 13a, the fiber is attached to the movable body 14 and at point 13b, the fiber is attached to the substrate 16 (column 4, lines 59-63). There is no compliant support block disclosed in Jin et al. Furthermore, there is no Bragg grating fiber disposed "in" the support block. The device of Jin et al. is completely different in structure from that recited in claim 1. There is no suggestion anywhere in Jin et al. that one may modify the disclosed device by disposing a Bragg grating fiber in a compliant support block. The device

disclosed in Jin et al. reflects a particular wavelength depending on the applied uniform strain. It is not even a dispersion compensating device. Therefore, Applicants respectfully submit that claim 1 is patentable over Jin et al., as well as all other references of record, whether considered individually or combined. Furthermore, since claims 2-4 contain all the limitations of base claim 1, Applicants respectfully submit that claims 2-4 are also in condition for allowance.

Claim 10 is directed to a wavelength division multiplexed optical communication system that has a dispersion compensating device similarly reciting a Bragg grating fiber disposed in a compliant support block. Claim 11 is a method claim for making a tunable dispersion compensating device that recites disposing a Bragg grating fiber into an elongated mold. Claim 11 further recites pouring support material into the elongated mold in which the support material is compliant when it sets. There is no disclosure in Jin et al., nor even a suggestion, of anything similar to the recited method claim 11. Jin et al. discloses a fiber Bragg grating attached to the surface of two movable components. There is no suggestion to dispose the fiber into a mold and to pour support material therein. Therefore, for at least the above-noted reasons, Applicants respectfully submit that claims 1-4 and 10-11 are in condition for allowance and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

The Examiner rejected claims 12, 13, 15, 16, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Jin et al. in view of Agano (U.S. Patent No. 6,327,091). In regard to claims 18 and 19, the Examiner cited the secondary reference to Agano as disclosing glass microspheres. However, Agano does not make up for the above-noted deficiencies of the prior art, i.e., failing to disclose a Bragg grating fiber disposed in a compliant support block, as recited in claim 18. Furthermore, claim 19 depends from claim 18. Therefore, Applicants respectfully submit that claims 18 and 19 are in condition for allowance and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

The Examiner conceded that Jin et al. fails to disclose the method of making a tunable dispersion compensating device as recited in claims 12, 13, 15 and 16. The Examiner stated that "the method of forming the device is germane to the issue of patentability of the device itself." Therefore, this limitation has not been given patentable weight." Since it is clear that each claim stands or falls on its own, Applicants fail to understand the legal basis and/or rationale that the Examiner is suggesting for this rejection. Nonetheless, claims 12, 13, 15 and 16 each contains all the limitations of base claim 11. Therefore, Applicants respectfully submit that each of claims 12, 13, 15 and 16 is allowable over all references of record for at least the reasons

specified above in regard to claim 11. Therefore, Applicants respectfully submit that claims 12, 13, 15 and 16 are in condition for allowance and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

All objections and rejections having been addressed, it is believed that this Application is in condition for allowance and a Notice to that effect is respectfully requested.

The Examiner is encouraged to call the Applicants' representative at the below-listed telephone number if it may help advance the prosecution of this case.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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